

# United States District Court

for the  
Western District of New York



United States of America

v.

Case No. 23-MJ-

5144

JIAXUEMO ZHANG

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between in or around June 2021 and on or about July 25, 2023, in the Western District of New York, and elsewhere, the defendant, JIAXUEMO ZHANG, did knowingly utter, use, attempt to use, and possess a non-immigrant visa, that is, an F-1 student non-immigrant visa, which the defendant knew to be falsely made, procured by means of a false claim and statement, and otherwise procured by fraud.

**All in violation of Title 18, United States Code, Section 1546(a).**

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

BENJAMIN DANZIGER  
TASK FORCE OFFICER  
FEDERAL BUREAU OF INVESTIGATION

*Printed name and title*

Sworn to before me and signed telephonically.

Date: July 26, 2023

*Judge's signature*

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER  
UNITED STATES MAGISTRATE JUDGE

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Benjamin Danziger, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of a criminal complaint charging JIAXUEMO ZHANG (hereinafter "ZHANG"), with a violation of Title 18, United States Code, Section 1546(a) (visa fraud).

2. I am an Officer with U.S. Customs and Border Protection (CBP) and have been so employed since approximately June of 2012. Since approximately February of 2021, I have served as a Task Force Officer (TFO) with the Federal Bureau of Investigation in Buffalo, New York. I have been assigned to a Counter-Intelligence Squad for the duration of my time as a TFO. As a CBP Officer, I am responsible for enforcing immigration and customs laws. As a TFO, I am responsible for investigating crimes related to the national security threat posed by China. I have approximately two years of experience investigating counterintelligence threats posed by China.

3. The facts set forth below are based upon my personal observations, my training and experience, and information obtained during the course of the investigation from other members of law enforcement, involving the review of records, interviews of witnesses, and information and reports provided. Because this affidavit is submitted for the purpose of establishing probable cause to support the issuance of a Criminal Complaint and Arrest Warrant, I have not included each and every fact known by the government for this investigation.

**PROBABLE CAUSE**

4. ZHANG is a Chinese national who has, since 2021, studied at the State University of New York at Buffalo (U.B.) under an F-1 non-immigrant visa issued by the U.S. Department of State.

5. On or about June 24, 2021, ZHANG submitted an application for an F-1 student non-immigrant visa at the U.S. Embassy in Beijing, China. In his visa application, ZHANG stated that he would be attending U.B. and would be majoring in aerospace engineering.

6. As described below, I have reviewed ZHANG's visa application and determined that it omitted material information about ZHANG's education history and research activity in China. In determining the materiality of ZHANG's false statements, I have been assisted by U.S. Department of State Diplomatic Security Service Special Agent Andrew Wright (SA Wright). SA Wright has expertise on the visa application process, as well as the documents that ZHANG provided to the U.S. Department of State in support of his F-1 visa application.

7. I have reviewed ZHANG's non-immigrant visa application. This application and all associated documents were provided to me by SA Wright. SA Wright accessed these documents through the U.S. Department of State Consular Consolidated Database (CCD) and provided copies of all documents that ZHANG submitted to the U.S. Department of State in support of his visa application. Included in these documents were ZHANG's visa application; ZHANG's admission letter from U.B.; ZHANG's proposed advisor's curriculum vitae (CV); ZHANG's study plan; and ZHANG's CV. ZHANG electronically

signed this application on June 5, 2021. By doing so, he affirmed that all of his answers were true and complete. All documents included in a visa application are considered when the Department of State adjudicates the visa application.

8. As a part of the student visa application process, the applicant is required to disclose all prior educational institutions that the applicant has attended. ZHANG identified three such institutions: (1) Quanzhou Experimental Middle School, in Fujian, China, which he attended from September 2007 – July 2010; (2) Quanzhou Number 5 High School, in Fujian, China, which he attended from September 2010 – June 2013; and (3) China University of Mining and Technology Beijing, in Beijing, China, which he attended from September 2014 – June 2018. ZHANG disclosed no other work, education, or training on his visa application.

9. As part of his visa application, ZHANG provided a copy of his CV. This CV identifies ZHANG as having attended the China University of Mining and Technology Beijing (CUMTB), Quanzhou NO.5 High School, and Quanzhou Experimental Middle School. The CV identified no other schools ZHANG had attended.

10. Because of ZHANG's field of study and nationality, a Security Advisory Opinion (SAO) was required and conducted based on the information ZHANG provided. The SAO is a U.S. Government mechanism to coordinate third-agency checks on visa applicants about whom the State Department has security-related concerns. ZHANG's visa was eventually approved based on the information he provided to the U.S. Department of State.

11. On or about August 26, 2021, ZHANG used his F-1 non-immigrant visa to apply for admission to the United States at John F. Kennedy Airport. ZHANG began attending U.B. in the fall 2021 semester.

12. During the course of my investigation, I became aware that ZHANG's visa application omitted part of his educational and research history. Specifically, I learned that, in or around December 2022, ZHANG had applied for PhD programs in aerodynamics at Purdue University, the University of Minnesota, and the University of Michigan. As part of my investigation, I obtained copies of ZHANG's applications to each of these universities.

13. Each of these applications contained a version of ZHANG's CV that was different from the CV that ZHANG had submitted to the U.S. Department of State with his visa application. Specifically, each CV stated that, from September 2017 – December 2019, ZHANG had conducted research and studied at Beihang University in China. Beihang University is known to conduct research on behalf of the Chinese People's Liberation Army. According to his CV, while at Beihang University, ZHANG conducted research in the Fluid Mechanics Key Laboratory of Education Ministry and the National Laboratory for Computational Fluid Dynamics.

14. In the statement of purpose ZHANG submitted with his PhD application to Purdue University, ZHANG discussed auditing at Beihang University and conducting research in the National Computational Fluid Dynamics Laboratory and the Education Ministry's Fluid Mechanics Key Laboratory. Specifically, ZHANG wrote that, "[i]n the National Computational Fluid Dynamics Laboratory of Beihang University, we applied commercial software to simulate the flow fields of hypersonic vehicles and completed the

analysis of their aerodynamic characteristics.” The National Computational Fluid Dynamics Laboratory was jointly founded by Beihang University and the 29th Base of the Academy of Military Sciences.

15. According to his CV, during his time at Beihang University, ZHANG was mentored by Chongwen Jiang, Jinjun Wang, and Zhenxun Gao.

16. According to open-source information, Chongwen Jiang is the Deputy Director of the Military Research Office at Beihang University. Included in ZHANG’s PhD applications to the University of Minnesota, Purdue University, and John’s Hopkins University was a letter of recommendation authored by Zhenxun Gao. The signature block of Gao’s letter of recommendation identifies Gao as an Associate Professor and Vice Director of the Institute of Fluid Dynamics at Beihang University.

17. Through my research and experience, I am aware that Beihang University is designated as one of China’s “Seven Sons of National Defense.” Beihang University houses nine major Chinese defense laboratories, to include the National Laboratory of Computational Fluid Dynamics. Open-source information indicates that this laboratory was jointly established with the 29th Base of the Academy of Military Sciences. In both the statement of purpose and CV that ZHANG submitted to Purdue University, ZHANG reported that he conducted research in this national laboratory.

18. On May 29, 2020, the President signed Presidential Proclamation 10043, which was entitled “Suspension of Entry as Nonimmigrants of Certain Students and Researchers From the People’s Republic of China (PRC).” In pertinent part, this Proclamation states:

The entry into the United States as a nonimmigrant of any national of the PRC seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States, except for a student seeking to pursue undergraduate study, and who either receives funding from or who currently is employed by, studies at, or conducts research at or on behalf of, or has been employed by, studied at, or conducted research at or on behalf of, an entity in the PRC that implements or supports the PRC's 'military-civil fusion strategy' is hereby suspended and limited subject to section 2 of this proclamation. For the purposes of this proclamation, the term 'military-civil fusion strategy' means actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC's military capabilities.

Individuals who have a current or prior affiliation to, among other schools, Beihang University are prohibited from entering the United States by this proclamation.

19. After reviewing the associated data in the CCD, as well as the paperwork ZHANG submitted in support of his June 2021 student visa application, and after comparing that information with information ZHANG included in more recent versions of his CV, SA Wright advised your affiant that ZHANG's F-1 visa application would have been denied had ZHANG disclosed that he had attended Beihang University or conducted research at the People's Republic of China Education Ministry's Fluid Mechanics Key Laboratory.

### CONCLUSION

Based on the foregoing, I respectfully submit that there is probable cause to believe that JIAXUEMO ZHANG did violate Title 18, United States Code, Section 1546(a) (visa fraud). I respectfully request that the Court issue the attached criminal complaint, as well as



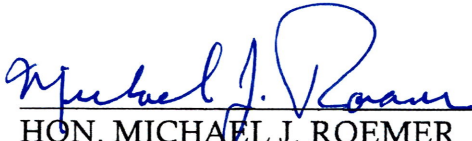
an arrest warrant. To allow the warrant to be effectuated, I respectfully request that the criminal complaint, this affidavit, and the arrest warrant remain under seal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Danziger", written over a horizontal line.

Benjamin Danziger  
Task Force Officer  
Federal Bureau of Investigation

Subscribed and sworn to before me, telephonically, this 26 day of July, 2023.

A handwritten signature in blue ink, appearing to read "Michael J. Roemer", written over a horizontal line.

HON. MICHAEL J. ROEMER  
UNITED STATES MAGISTRATE JUDGE